

AMENDED IN SENATE APRIL 25, 2001

SENATE BILL

No. 634

Introduced by Senator Murray

(Principal coauthor: Assembly Member Steinberg)

(Coauthor: Senator Soto)

(Coauthors: Assembly Members Cedillo, Diaz, and Richman)

February 22, 2001

An act to add Sections 124166 and 124167 to the Health and Safety Code, relating to lead poisoning prevention.

LEGISLATIVE COUNSEL'S DIGEST

SB 634, as amended, Murray. Lead poisoning prevention.

Existing law provides for a residential lead-based paint hazard reduction program implemented and administered by the State Department of Health Services. Existing law establishes within the State Department of Health Services a program to meet the federal requirements of the Residential Lead-Based Paint Hazard Reduction Act of 1992 and the Housing and Community Development Act of 1992 and requires the adoption of regulations for this purpose.

Existing law, the Childhood Lead Poisoning Prevention Act of 1991, requires the department to implement a program in which children are evaluated and screened for risk of lead poisoning, and provided with medically necessary followup services pursuant to appropriate case management.

This bill would require the department to develop a community-based lead hazard preliminary assessment training program in coordination with all local health departments. The bill would require a county to provide training workshops at least annually to train parents and community volunteers to conduct preliminary

assessments to identify conditions that indicate the potential for the presence of lead hazards to children under the age of 5 years in preschools, day care centers, school facilities, residences, and housing projects.

Because the bill would add to the duties of local health departments, the bill would impose a state-mandated local program.

The bill would require the department to develop a specified program for training and certifying clearance technicians, as defined, who would be qualified to perform a clearance examination following activities other than abatement of lead-based paint or lead-based paint hazards and to conduct preliminary assessments.

Existing law, the Lead Safe Schools Protection Act, sets forth duties of the State Department of Health Services regarding conducting surveys of public elementary schools and public preschools and day care facilities located on public school property of risk factors to predict lead contamination and providing designated notice of the survey results. The act requires schools that have been found to have significant risk factors for lead to be advised of this finding and that certain teachers, other personnel, and the parents receive specified notice of the findings.

This bill would require the department to report to ~~the various~~ legislative-budget committees of both houses ~~on the following:~~

~~(1) Annually, the financial resources needed to fully implement the Lead Safe Schools Protection Act and the provisions of this bill, that would include recommended increases to fees imposed as provided above upon entities responsible for identifiable sources of lead contributing to environmental lead contamination.~~

~~(2) On or before January 1, 2003, specified information related to a program concerning monitoring and reducing lead levels in drinking water in schools, and annually thereafter, on the progress in implementing and the funds necessary to implement a lead-free school drinking water program.~~

~~(3) After January 1, 2006, but on or before January 1, 2007, a recommendation regarding continuation of the annual training program that each county is required to implement under the bill regarding funding and training for specified lead contamination and reduction programs.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that



reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Lead Safe Community Empowerment Act.

3 SEC. 2. The Legislature finds and declares all of the
4 following:

5 (a) Although it is entirely preventable, lead poisoning is the
6 most common environmental health problem for California's
7 children.

8 (b) Childhood lead poisoning results in significant medical and
9 special education costs and reduces the lifetime earning potential
10 of poisoned children.

11 (c) Although all children are at some risk, children five years
12 of age and younger are at the greater risk. Those less than two years
13 of age and those with developmental disabilities are at the greatest
14 risk.

15 (d) Lead-containing paint is the primary exposure source for
16 most young children; lead-contaminated dust is the foremost
17 pathway. Many children, however, are exposed to multiple sources
18 of lead at more than one location and in drinking water.

19 (e) Despite the fact that the Legislature had declared childhood
20 lead exposure to be the most significant childhood environmental
21 health problem in California, insufficient funds have been made
22 available to the State Department of Health Services to compile
23 information concerning the prevalence, causes, and sources of
24 childhood lead poisoning and to fully develop and implement a
25 program for medical and environmental abatement that will
26 reduce the incidence of excessive childhood lead exposures in
27 California.

(f) Federal efforts to prevent lead poisoning include new regulations under Title 24 of the Code of Federal Regulations (see 24 C.F.R 35.1340) that require clearance testing to ensure that lead and lead dust hazards are not left behind after federally funded rehabilitation or paint repair work and encourage states to build the needed testing capacity by establishing clearance technician or sampling technician training programs that comply with United States Environmental Protection Agency guidelines.

SEC. 3. Section 124166 is added to the Health and Safety Code, to read:

124166. (a) The department shall develop a community-based lead hazard preliminary assessment training program in coordination with all local health departments. The department shall prepare, or cause to be prepared, and approve educational materials to ensure the unified statewide implementation of the training program.

(b) At a minimum, the training program shall provide a standardized format for identifying and assessing lead hazards in preschools, day care centers, and school facilities, residences, and housing projects. The training program shall also cover material included in any curriculum for sampling technician training established or approved by the United States Environmental Protection Agency.

(c) (1) Each county shall implement the training program utilizing the materials approved by the department.

(2) The program shall provide training workshops at least annually in each county to train parents and community volunteers to conduct preliminary assessments of risk to identify conditions that indicate the potential for the presence of lead hazards to children under the age of five years.

(3) As a condition of participating in the training, all volunteers shall agree to conduct preliminary assessments of at least three neighborhood sites and submit a report of the preliminary assessment, in a format prescribed by the department, to the department, local county health department, and, where applicable, school district.

(d) The local health department shall develop and provide upon request a priority list of sites to be preliminarily assessed based upon, but not limited to, the following risk factors:

(1) Whether the site is a preschool or elementary school.

(2) The probability of the presence of lead paint based on the age of construction.

(3) Other factors, such as maintenance or operation practices that indicate the high probability of lead exposure.

(e) (1) The results of an assessment of a preschool, day care center, or school facility that is reported pursuant to this section shall be included in annual notices sent to parents at the beginning of any school year.

(2) The results of assessments of a residence or housing project shall be sent to the department and made available by the department to the federal Environmental Protection Agency and the United States Department of Housing and Urban Development.

~~(f) The department shall report annually to the Legislative Budget Committees of both houses as to the financial resources needed to fully implement the Lead Safe Schools Protection Act, Article 4 (commencing with Section 32240) of Chapter 2 of Part 19 of the Education Code, and this section. The report shall include recommended increases to fees imposed pursuant to Section 105310 of the Health and Safety Code for deposit in the Childhood Lead Poisoning Prevention Fund needed to adequately fund these programs, including funding of changes necessary to ensure sufficient funds are made available to prevent exposure and to provide early screening of high risk children exposed to lead. Special emphasis shall be given to identifying the funds needed to adequately identify and abate the exposure to lead of children under the age of five years.~~

SEC. 4. Section 124167 is added to the Health and Safety Code, to read:

124167. (a) The department shall develop a program for training and certifying clearance technicians that shall cover, but not be limited to, the material in any curriculum for sampling technician training established or approved by the United States Environmental Protection Agency.

(b) For purposes of this section, ‘clearance technician’ means a person who is described in Section 35.1340(b)(1)(iv) of Title 24 of the Code of Federal Regulations as qualified under designated circumstances to perform a clearance examination following activities other than abatement, and who is qualified to conduct preliminary assessments for purposes of Section 124166.

1 SEC. 5. (a) The State Department of Health Services shall
2 report to the legislative budget and fiscal committees of both
3 houses as follows:

4 ~~(a)–~~

5 (1) No later than January 1, 2003, methods to fully monitor lead
6 levels in drinking water in all preschools and elementary schools,
7 a program to replace or remove high levels of lead in drinking
8 water sources at these schools, and the costs of implementing such
9 a program.

10 ~~(b)–~~

11 (2) Commencing January 1, 2004, the progress in
12 implementing and the funds necessary to implement a lead free
13 school drinking water program.

14 ~~(c)–~~

15 (3) After January 1, 2006, but on or before January 1, 2007, a
16 recommendation with regard to whether the annual training
17 program to conduct preliminary assessments of lead hazard risk
18 implemented by each county pursuant to subdivision (c) of Section
19 124166 should be continued.

20 (b) *The department shall report annually to the legislative*
21 *budget committees and relevant policy committees of both houses*
22 *as to the financial resources needed to fully implement the Lead*
23 *Safe Schools Protection Act (Article 4 (commencing with Section*
24 *32240) of Chapter 2 of Part 19 of the Education Code) and the*
25 *Childhood Lead Poisoning Prevention Act of 1991 (Chapter 5*
26 *(commencing with Section 105275) of Part 5 of Division 103). The*
27 *report shall include recommended changes to fees imposed*
28 *pursuant to Section 105310 for deposit in the Childhood Lead*
29 *Poisoning Prevention Fund that may be needed to adequately fund*
30 *the statutory requirements of these acts. The report shall also*
31 *include a clear description as to how funds for the various*
32 *lead-related programs administered by the department were spent*
33 *and the program outcomes of the expenditures. Additionally, based*
34 *on the department's review, the report shall provide a clear*
35 *description of any funding changes necessary to ensure that*
36 *sufficient funds are made available to prevent exposure and to*
37 *provide early screening of high-risk children exposed to lead.*
38 *Special emphasis shall be given to identifying the funds needed to*
39 *adequately identify and abate the exposure to lead of children*
40 *under five years of age.*

1 SEC. 6. Notwithstanding Section 17610 of the Government
2 Code, if the Commission on State Mandates determines that this
3 act contains costs mandated by the state, reimbursement to local
4 agencies and school districts for those costs shall be made pursuant
5 to Part 7 (commencing with Section 17500) of Division 4 of Title
6 2 of the Government Code. If the statewide cost of the claim for
7 reimbursement does not exceed one million dollars (\$1,000,000),
8 reimbursement shall be made from the State Mandates Claims
9 Fund.

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